

TEMPORARY EMPLOYEES

- **Yellow Temporary Permits:**

When someone is hired as a temporary employee, a yellow Temporary Permit is completed. If it is a returning employee, a new permit is completed and "Rehire" should be written on the top.

- **1040 Hours Yearly Maximum:**

The 1040 hours limit for temporary employees includes regular working hours PLUS any overtime hours. The 1040 hours is citywide so all hours worked in the same payroll year for different departments are included in this 1040 hour amount. A note will start to appear on the Payroll Register when the hours worked by a temporary employee go over 700.

At the beginning of a new payroll year, the employee starts over on his/her 1040 hour temporary permit even if there are more hours left on the previous year's permit.

A department director can request an extension for a temporary employee. This request is e-mailed to the Assistant Director of Human Resources when the employee is near his/her 1040 hour limit.

- **Qualifying for Public Employees Retirement Association (PERA):**

Temporary employees qualify for PERA after working six (6) months and earning more than \$425.00 monthly. Usually they have to re-qualify for PERA if they return to work after being terminated. (Note that this means fully terminated...it does not mean off work but still listed as an active temporary employee). The original date of hire determines the 6 months when the pension deduction should start. If there was a break in service longer than 30 days due to a termination, the employee would need to re-qualify by working another six (6) months.

In some cases, a temporary employee could be enrolled in PERA right when they start. PERA does not recognize the termination if the same employee returns year after year. Omitted deductions would be due if the employee returned to the same department to the same title working 1040 hours each time. Usually, if the employee has returned for three (3) consecutive years, they should be enrolled immediately. PERA no longer considers it a temporary position if the employee will be back for more than three years in the same department in the same title.

- **Working From One Year Into The Next Without A Break In Service:**

In the beginning of a new IRS payroll reporting year, a temporary employee can now work a full 1040 hours for the new year. If there is no break in service, the previous years' months do count however toward determining when an employee qualifies for PERA. (Example: An employee worked three (3) months in 1999 (300 hours for example) up to the end of that payroll year. A new Temporary Permit and "Information for "Temporary Employee's" form were done at the beginning of the new payroll year. The three (3) months count toward PERA qualification but the 300 hours are not part of the 1040 hours the employee can now work in the new payroll year.)

Also, if there is no break in a temporary employee's service from one year to the next, and the employee has qualified for PERA pension in the first year, they continue to pay PERA.

Human Resources requests that a new temporary permit be done at the beginning of the new payroll (not calendar) year when there is no break in service. A note should be included on this new permit stating that Human Resources should now put any previous permits into their inactive file. This helps them to keep their files up to date and clear of old permits. A newly signed and dated "Information for Temporary Employees" form should be attached to the permit (no other forms need to be redone).

- **Temporary Employees Can Never Work In An “Out of Title” Position:**

Temporary employees can NEVER work out of title in another position. They are only authorized to work in the title listed on their temporary permit. A temporary can, however, hold more than one title on one temporary permit.

Benefits for a new trades employee, whether certified or temporary, are provided by their union. The union does not care if the employee is temporary or certified as far as their benefits go; the only difference between the two employee types is their PERA. The rate for a temporary employee who exceeds the six months and becomes eligible for PERA should be changed to the certified rate. The certified rate is lower due to employer's PERA contribution for the employee.

Trades employees include: Boilermakers, Bricklayers, Carpenters, Cement Finishers, Electricians, Painters, Pipefitters, Plasterers, Plumbers, Fire Sprinkler Inspectors, Sheet Metal Workers and Elevator Constructors.

Note that due to a state law change in August of 2000, Electricians, Plumbers, Bricklayers, Cement Masons, Painters, and Carpenters no longer participate in PERA. As a result, new temporary employees that belong to one of these six trades are NOT eligible for PERA after 6 months.

- **Union Dues & Holiday Pay for AFSCME Clerical, Technical, and Legal Temporary Employees Only:**

As required by law, after 67 consecutive days of work, an AFSCME Clerical, Technical, or Legal (bargaining units 01, 02 and 19) temporary employee is required to pay union dues (or pay “fair share” dues if they do not want to join the union). The 67 days are to be counted as any regular work day (an overtime day would not count). Any portion of time worked in a day (2 hours, 4 hours, etc.) will count as one day.

A temporary employee that is expected when hired to work longer than 67 days, must be reported for union membership immediately.

AFSCME Clerical and Technical temporary employees are also eligible for holiday pay after working 67 consecutive days. Unpaid holidays and “no pay” days that fall in the 67 day period are also counted. After this time period, the employee must qualify for the holiday the same way a certified employee would.

In the case of a temporary employee who has worked 67 days but only works 14 hours per week for example, an average would be taken from the days that the person worked in the pay period that contains the holiday to determine the number of hours of pay they would receive.

- **Floating Holidays:**

Temporary employees do NOT earn floating holidays.

- **Health Insurance Benefits:**

Temporary employees NEVER qualify for City health insurance benefits.

IF YOU HAVE ANY FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:

The payroll person in your department

or

Jason Schmidt – Office of Labor Relations (651) 266-6503